

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHELLE HU,	:	CIVIL ACTION
	:	NO. 16-5037
Plaintiff,	:	
	:	
v.	:	
	:	
HERR FOODS, INC.,	:	
	:	
Defendant.	:	

O R D E R

AND NOW, this **24th** day of **April, 2017**, for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that:

1. Defendant's Motion for Judgment on the Pleadings (ECF No. 23) is **GRANTED in part** and **DENIED in part**. The motion is **GRANTED** to the extent that it seeks the dismissal of Plaintiff's claims, but **DENIED** to the extent that it seeks the entry of judgment for Defendant and against Plaintiff.

2. Counts I and II of Plaintiff's Amended Complaint (ECF No. 18) are **DISMISSED without prejudice**.

3. Count III is **DISMISSED with prejudice**.

4. Plaintiff is granted leave to amend her complaint with respect to Counts I and II on or before **May 24, 2017**.

5. Defendant's Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11 (ECF No. 27) is **DENIED**.

AND IT IS SO ORDERED.

s/ Eduardo C. Robreno

EDUARDO C. ROBRENO, J.